

# **PALMYRA TOWNSHIP PLANNING COMMISSION**

## **Special Meeting Minutes and Public Hearing February 25, 2021**

### **Meeting conducted remotely as required by Michigan Governor**

#### **Meeting held via Zoom Video**

The meeting was called to Order by Chairwoman Isley at 7:00 pm.

Present; Brown, Comstock, Crane, Isley, Mapstone, Pell, Southwell.

Absent; None

Motion to approve Agenda by Southwell, support Pell. Roll call vote: Southwell-yes, Crane-yes, Isley-yes, Comstock-yes, Mapstone-yes, Pell-yes, Brown-yes. Motion passed.

Motion to approve Minutes by Crane, support Comstock. Roll call vote: Comstock-yes, Isley-yes, Crane-yes, Southwell-yes, Brown-yes, Pell-yes, Mapstone-yes. Motion passed.

Written comments; None

Public comments; None

Old Business;

Motion by Pell to open Public Hearing to discuss Application by Viasat, Inc. for a Special Use Permit Approval to install a satellite Internet Gateway on 3762 US Highway 223 (PAO-118-2680-00). Support Southwell. Roll call vote: Southwell-yes, Crane-yes, Isley-yes, Pell-yes, Brown-yes, Comstock-yes, Mapstone-yes. Motion passed.

Isley stated that the Zoning Board of Appeals had granted a variance to Viasat of Section 8.51.C.3.q Wireless Communication Towers because this was not a tower and a front yard variance. Tom Hodges and Randy Jones represented Viasat, Inc. Pell asked about the cost of returning the property to its current condition. Jones stated the cost of building the project will be around twenty-seven thousand dollars (\$27,000.00) for fiber, concrete, fence, power, platform, etc. He would estimate the decommissioning cost at around seven thousand dollars (\$7,000.00) including conduits and concrete, although in the four (4) years he has worked for the company no project has been decommissioned. He felt that Section 10.2 of Viasat's lease with Jammin Investments LLC would provide for the decommissioning and if the project were not properly decommissioned Viasat would owe rent until properly decommissioned. Comstock stated that to require a decommissioning Performance Guarantee would set a precedent for the Township's Solar Ordinance and other future projects but for such a small amount there would be other legal remedies. Pell asked whether the project was susceptible to lightening and high wind. Jones said the project is grounded and yes, tornado like winds could be a problem. Brown asked whether there would be radiation coming from the project. Jones said that if one were standing inside the fence in front of the dish yes, there would be radiation. That's why there will be a fence to keep people out. Pixley asked if vehicle headlights would reflect because the project is on a curve. Jones said no. Pixley asked whether other jurisdictions have requested Viasat to put bushes around their project. Jones said no. Pixley explained that

Building Inspector Todd Roach felt that Viasat's request did not fit the Zoning Ordinance and wanted the Zoning Board of Appeals to approve or disapprove as part of the Zoning Ordinance.

Motion to close Public Hearing by Southwell, support Isley. Roll call vote: Brown-yes, Pell-yes, Isley-yes, Crane-yes, Southwell-yes, Mapstone-yes, Comstock-yes. Motion passed.

Isley moved to approve the Application from Viasat, Inc. for a Special Use Permit Approval to install a satellite internet gateway on 3762 US223 (PAO-118-2680-00) per Section 2.73 Telecommunications Facility and Section 4.5.3-k Special Approval Use-Telecommunications facilities of the Palmyra Township Zoning Ordinance. Support by Southwell. Roll call vote: Mapstone-yes, Isley-yes, Pell-yes, Brown-yes, Comstock-yes, Southwell-yes, Crane-yes. Motion passed.

Supervisor Pixley suggested that the Planning Commission (PC) needs to set a cut-off limit such as thirty thousand dollars (\$30,000.00) as the amount for decommissioning over which a Performance Guarantee is required when the PC writes the Solar Energy portion of the Zoning Ordinance.

New Business; None.

Next Regular Meeting March 2, 2021 at 7:00p.m. via Zoom Video.

Motion to adjourn by; Crane at 7:29 pm. Support by Mapstone. Roll call vote: Mapstone-yes, Crane-yes, Comstock-yes, Isley-yes, Brown-yes, Pell-yes, Southwell-yes. Motion passed

Respectfully submitted by,

Vivian Pell Secretary